

### **REMARKS**

Reconsideration of this Application is respectfully requested.

Claims 20 and 24–40 are currently pending, with claim 20 being the sole independent claim.

Based on the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

#### **I. The Rejections Under 35 U.S.C. § 103 Are Traversed**

Applicants respectfully assert that the Examiner has not established a *prima facie* case of obviousness under 35 U.S.C. § 103 for the claims in this Application.

According to the Supreme Court decision in *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398, 82 U.S.P.Q.2d 1385 (2007) (“*KSR*”) and current USPTO Examination Guidelines, the proper objective analysis for determining obviousness under 35 U.S.C. § 103 is articulated in *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17, 148 U.S.P.Q. 459 (1966) (“*Graham*”). *See generally*, Examination Guidelines for Determining Obviousness Under 35 U.S.C. § 103 in view of the Supreme Court Decision in *KSR International Co. v. Teleflex Inc.*, 72 Fed. Reg. 57526 (Oct. 10, 2007) (“Examination Guidelines”) and U.S. Patent & Trademark Office, Manual Of Patent Examining Procedure, 8<sup>th</sup> ed., Revision 7 (“MPEP”) § 2141. Under this construction, obviousness is a question of law based on underlying factual inquiries. The *Graham* factual inquiries enunciated by the Court include: (1) determining the scope and content of the prior art; (2) ascertaining the differences between the claimed invention and the prior art; (3) resolving the level of ordinary skill in the pertinent art; and (4) evaluating evidence of secondary considerations.

In addition to the factors cited above, the following criteria must be examined in order to establish a proper *prima facie* case of obviousness: (1) the prior art reference (or references, when combined) must teach or suggest *all* the claim limitations; *see In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991); (2) the combination of references must teach the predictable use of prior art elements according to their established functions; *see KSR*, 550 U.S.

at 417; and (3) there must be a reasonable expectation of success in combining the teachings of the references.

In *KSR*, the Court noted that the analysis supporting a rejection under 35 U.S.C. § 103(a) should be made *explicit*, and that it was “important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art references]” in the manner claimed. The Court specifically stated:

Often, it will be necessary . . . to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was *an apparent reason* to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, *this analysis should be made explicit*.

*KSR*, 550 U.S. at 418, emphasis added; citing *In Re Kahn*, 441 F.3d 977, 988, 78 U.S.P.Q.2d 1329 (Fed. Cir. 2006) (“[R]ejections on obviousness grounds *cannot be sustained by mere conclusory statements*, instead, there must be some articulated reasoning with some rational underpinning to support a legal conclusion of obviousness”; emphasis added). Additionally, in ascertaining the differences between the claimed invention and the prior art, it is well established that a prior art reference must be considered in its entirety (i.e., as a whole), including portions that would lead away from the claimed invention. *W. L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 U.S.P.Q. 303 (Fed. Cir. 1983). See also Examination Guidelines at 57528 and M.P.E.P. § 2141.02(VI). Thus, the key to supporting a rejection under 35 U.S.C. § 103(a) is clear articulation of the reasons why the claimed invention would have been obvious to a person having ordinary skill in the art at the time immediately prior to conception of the invention.

The Court in *KSR* also expressly stated that it is legally insufficient to conclude that a claim is obvious just because a feature of a claim can be independently shown in the art.

A patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. Although common sense directs one to look with care at a patent application that claims as innovation the combination of two known devices according to their established functions, it can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does.

*KSR*, 550 U.S. at 418.

The Examiner has asserted that the references Hirai et al. (U.S. Patent No. 3,826,666), Matthews et al. (U.S. Patent No. 4,816,259), Okajima et al. (U.S. Patent No. 4,138,013), Shank (U.S. Patent No. 4,500,453), and Itoh (U.S. Patent No. 5,194,464), when combined with the primary reference, Venkateswara et al. (PCT Application No. WO 01/24780), teach every element of the claimed invention. As will be shown below, this assertion is unfounded because each element of the claimed invention is not taught or suggested by these references, either individually or when combined. Accordingly, the Examiner has failed to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a).

**A. *Rejection under 35 U.S.C. § 103(a) over Venkateswara et al. in view of Hirai, et al., and in view of Matthews, et al.***

Claim 20 was rejected under 35 U.S.C. § 103(a) as allegedly unpatenable over Venkateswara et al., (PCT Application No. WO 01/24780; “Venkateswara”), in view of Hirai, et al., (U.S. Patent No. 3,826,666; “Hirai”), and further in view of Matthews, et al., (U.S. Patent No. 4,816,259; “Matthews”). Applicants traverse this rejection based on the following remarks.

**1. Venkateswara does not teach a ratio of enteric (acid-insoluble) polymer to film-forming polymer.**

The primary reference, Venkateswara, teaches the production of soft gelatin capsules containing benzimidazole derivatives that are resistant to gastric juice. The Examiner has respectively misrepresented the disclosure of Venkateswara and used it to allege obviousness of the Applicants’ claims. The secondary references, Hirai and Matthews, are not cited for any teaching or suggestion that cures the deficiencies of Venkateswara. *See* Office Action, p. 8. Hirai is cited only for the alleged teaching relating to the pH of a gel mass. Matthews is cited only for the alleged teaching relating to moisture content of a capsule shell. Neither reference is cited for any teaching or suggestion of a ratio of acid-insoluble polymer to film-forming polymer. Accordingly, the cited teachings of the secondary references fail to cure the deficiencies of Venkateswara.

Specifically, the Examiner asserted that “Venkateswara et al. discloses the acid-insoluble polymer can be 40% by weight of the dried shell (pg. 5, lines 25–27), therefore is considered to be about 30:70 (42%).” Office Action, pp. 2–3. The cited lines of Venkateswara describe “a

preferred embodiment” as follows: “The amount of such enteric polymer employed may range from 5.0–40.0 percent, preferably 5.0–25.0 percent by weight with reference to the dried shell.” However, contrary to the Examiner’s assertion, this passage of Venkateswara does not teach or suggest a ratio of acid-insoluble polymer to film-forming polymer as claimed in the Application. Furthermore, the weight percentage given in the Venkateswara reference is that of the enteric polymer in the *dried shell*. Applicant’s specification and claims refer to the ratio of the enteric polymer to the film-forming polymer in the entire gel composition.

The Examiner’s reasoning presumes that *every component* of the dried shell other than “enteric polymer” in a composition exhibiting the upper end of the recited range would be a “film-forming polymer” such as gelatin. Based on this assumption, the Examiner asserts that the “ratio” disclosed could be 40:60 and “is considered to be about 30:70 (42%)”. This assertion is wholly unsupported in the reference, for at least the reason that the cited passage provides no information on the components or composition of the dried shell. Consequently, nothing regarding a *ratio* of acid-insoluble polymer to film-forming polymer is taught or suggested by the Venkateswara reference.

Further, analysis of the actual ratios of enteric polymer to gelatin in the Venkateswara reference supports Applicants’ position. *See* Venkateswara, pp. 8–17. A review of the exemplified compositions demonstrates that no ratio of enteric polymer to gelatin exceeds 10:30 (whole number: 0.333), compared to 30:70 (whole number: 0.43), which is the lowest end of the ratio range claimed by the Applicants. These ratios are substantially lower than those assumed by the Examiner based on the upper end of the recited percentage range of enteric polymer in a dried shell quoted in Venkateswara. The Examples provided in the Venkateswara reference, when converted to whole number ratios of enteric polymer to film-forming polymer, are completely outside the range claimed by the Applicants. *See* Venkateswara, pp. 8–17. Venkateswara teaches whole number ranges of enteric polymer to film-forming polymer from 0.188 (7.5:40) to 0.333 (10:30). In contrast, Applicants’ claimed ranges are from 0.43 (30:70) to 0.82 (45:55), and thus are outside the ranges taught by Venkateswara. Consequently, the Venkateswara reference fails to teach or suggest *any* percentage or amount of enteric polymer in a defined ratio with the film-forming polymer. As noted above, *no ratio whatsoever* is taught in the passage of Venkateswara quoted in the Office Action.

Furthermore, the Examiner **admits** that Venkateswara does not teach the ratio range claimed by the Applicants: “While Venkateswara et al. does not disclose an upper end of the ratio that is comparable to the instantly claimed ratios, it would be obvious for one of ordinary skill in the art to modify the amounts of water soluble polymer and acid-insoluble polymer present in the composition.” *See* Office Action, p. 4. Thus, a critical claim element (the ratio of enteric polymer to film-forming polymer) is not found in Venkateswara. Therefore, Venkateswara even when combined with the other cited references does not result in teaching, suggesting or motivating production of the claimed enteric composition with a ratio of enteric polymer to film-forming polymer of 0.43 (30:70) to 0.82 (45:55). Further, the Examiner provides no reason or rationale why a person having ordinary skill in the art would attempt to modify the respective ratio of enteric and film-forming polymer, the pH level, or the moisture content of the composition to achieve the desired result.

Consequently, based on the above arguments, the Examiner has failed to establish a *prima facie* case of obvious under 35 U.S.C. § 103(a) and the rejection of claim 20 must be withdrawn.

**2. Applicants’ ratio of enteric polymer to film-forming polymer is critical under the alkaline formulation conditions.**

Under no circumstances do Applicants acquiesce that the Examiner has established a *prima facie* case of obviousness by asserting the following arguments. Nevertheless, even assuming that the Examiner has established a *prima facie* case of obviousness under 35 U.S.C. 103(a), the rejection should be withdrawn for at least the following reasons.

Applicants’ disclosed ratio of enteric polymer to film-forming polymer, which approaches that disclosed by Venkateswara (i.e., 0.25 or 20:80 and 0.333 or 10:30, respectively), was shown to be the “minimal effective level” of enteric polymer to achieve acceptable enteric results” and produced “border quality” compositions. *See* Application, p. 15, ll. 16–17 and ll. 22–24. Thus, the ranges taught by Venkateswara would not produce acceptable enteric stability in the Applicants’ formulation. Consequently, Applicants have elucidated the **critical range** of the ratio of enteric polymer to film-forming polymer under the claimed composition conditions. *See* MPEP § 2144.05(III). Evidence of unobvious or unexpected advantageous properties, such

as superiority in a property the claimed compound shares with the prior art, can rebut *prima facie* obviousness. MPEP § 7.02(a)(II). The presence of a property not possessed by the prior art is evidence of nonobviousness. *In re Papesch*, 315 F.2d 381, 137 U.S.P.Q. 43 (C.C.P.A. 1963).

Applicants have claimed an enteric composition containing a defined ratio of enteric polymer to film-forming polymer that is capable of forming soft capsule shells where the final pH of the gel mass is less than or equal to about pH 9.0 and has a moisture content of about 2–10%. Neither Venkateswara nor any of the other cited references suggest or teach enteric capsule compositions where the final pH of the gel mass is less than or equal to about pH 9.0 or that has a moisture content of about 2–10%. Thus, the claimed composition has a unexpected properties not possessed by the cited references.

The Examiner cites *In re Aller*, 105 U.S.P.Q. 233 (C.C.P.A. 1955) as support for the assertion that “discovering the optimum or working ranges involves only routine skill in the art.” See Office Action, p. 4. However, *Aller* also supports the proposition that “[u]nder some circumstances, however, changes [in conditions] may impart patentability to a process if the particular ranges claimed produce a new and unexpected result which is different in kind and not merely in degree from the results of the prior art.” *Aller*, 105 U.S.P.Q. at 235. In the present case, Applicants have claimed an enteric formulation with a ratio of acid-insoluble polymer to film-forming polymer of 30:70 to about 45:55 by weight, where the final pH of the gel mass is less than or equal to about pH 9.0 and with a moisture content from about 2–10%. These conditions for forming enteric soft capsules are not taught nor suggested by the Venkateswara reference nor any of the other cited references. As stated above, the Examiner does not provide a reason why a person having ordinary skill in the art would modify the respective ratios of enteric and film-forming polymers to achieve the desired result. Further, all of the element of the claimed composition are interdependent and must be considered as a whole and not as independent variables. All words in a claim must be considered in judging the patentability of a claim against the prior art. *In re Wilson*, 424 F.2d 1382, 1385, 165 U.S.P.Q. 494 (C.C.P.A. 1970). See MPEP § 2143.03.

**3. Venkateswara and Hirai teach away from the alkaline pH in the claimed composition.**

Under no circumstances do Applicants acquiesce that the Examiner has established a *prima facie* case of obviousness by asserting the following arguments. Nevertheless, even

assuming that the Examiner has established a *prima facie* case of obviousness under 35 U.S.C. 103(a), the rejection should be withdrawn for at least the following reasons.

The Venkateswara and Hirai references both teach away from enteric capsule compositions where the final pH of the gel mass is less than or equal to about pH 9.0. Venkateswara teaches that “the resulting capsules being in aqueous medium [sic] up to a pH of 5.5 but quickly dissolving [sic] above pH of 6.0.” *See* Venkateswara p. 5, ll. 3–4; 14–15; 17–18; etc. The Examiner mistakenly asserts that Hirai discloses “that final pH of the gel mass is less than or equal to about 9 pH units. (col. 3, lines 12–13).” The actual statement in the Hirai specification in column 3, lines 12–13 is: “The pH of the solution should preferably be on the acid side and about the same as that of the gelatin itself.” The phrase “acid side” in the statement indicates that the pH level should preferably be acidic, i.e., have a pH value below 7.0. Further, the Examiner asserts that Hirai teaches that it “would have been obvious to modify the pH to prevent alteration of the gelatin (col. 3, lines 6–8).” *See* Office Action p. 3. This statement is taken out of context and must be read with the surrounding region of the specification. The appropriate section from the Hirai specification, encompassing column 3, lines 4–13 is:

In making this aqueous solution containing the salt of HPMCP[,] we prefer to use just enough alkali to effect the solution of the ester, as any excess alkali present in the final solution tends to destroy or alter the gelatin. However, if desired, an excess of alkali may be used and the excess alkali present in the resultant solution neutralized with acid before adding the gelatin; or the solution may be heated until the pH falls to the proper value. The pH of the solution should preferably be on the acid side and about the same as that of the gelatin itself.

Accordingly, Hirai does not teach that the pH should be less than or equal to about 9 pH units, but rather that alkaline solutions (i.e., those having a pH above 7.0) must be neutralized by the addition of acid or by heating. After such actions, the resulting solution should be acidic (i.e., the pH should be below 7.0). Clearly, this reference when combined with Venkateswara does not provide the claim element that “the final pH of the gel mass is less than or equal to about 9 pH units. Consequently, claim 20 is not obvious over Venkateswara alone or in view of Hirai, further in view of Matthews. Because Venkateswara does not teach a ratio of acid-insoluble polymer to film-forming polymer of 30:70 to about 45:55 by weight, there is no teaching, suggestion, or motivation to combine this reference with the Hirai or Matthews references to achieve the claimed enteric composition with a reasonable expectation of success.

Because neither Venkateswara or any of the secondary references, Hirai and Matthews, teach all the elements of Applicants' claimed composition, the rejection under 35 U.S.C. § 103(a) is in error and must be withdrawn. Furthermore, even if the cited references disclosed all the elements of the claimed invention, the Examiner has failed to establish a rational reason for combining the references or that an artisan of ordinary skill would achieve success by combining these references. A statement that modifications of the references to meet the claimed invention would have been "well within the ordinary skill of the art at the time the claimed invention was made" because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levengood*, 28 U.S.P.Q.2d 1300 (B.P.A.I. 1993). See MPEP § 2143.01(IV). Without the present Application as a roadmap, one of ordinary skill in the art would not have had a reason to combine the cited references. Such hindsight reconstruction of a claimed invention is impermissible.

Accordingly, for at least the reasons that Venkateswara does not teach a ratio of enteric (acid-insoluble) polymer to film-forming polymer; that Applicants' ratio of enteric polymer to film-forming polymer is critical under the alkaline formulation conditions; and that Venkateswara and Hirai teach away from the elevated pH values in the claimed composition, the rejection under 35 U.S.C. § 103(a) is in error and must be withdrawn.

***B. Rejections under 35 U.S.C. § 103(a) over Venkateswara et al., in view of Okajima, in view of Hirai et al., and in further view of Matthews et al.***

Claims 24–25, 27–33, and 35–40 were rejected under 35 U.S.C. § 103(a) as allegedly unpatenable over Venkateswara, in view of Okajima et al. (U.S. Patent No. 4,138,013; "Okajima"), in view of Hirai, and further in view of Matthews. Applicants respectfully traverse the rejection based on the following remarks.

The primary reference, Venkateswara, allegedly discloses an enteric soft capsule shell formed from a gel mass composition comprising a film-forming, water-soluble polymer, an acid-insoluble polymer, and an alkaline aqueous solvent. Okajima allegedly discloses a gel mass composition comprising a film-forming, water-soluble polymer, an acid-insoluble polymer, an alkaline aqueous solvent, a plasticizer (PEG), and optionally, a coloring agent. Hirai is



cited for the alleged teaching relating to the pH of a gel mass. Matthews allegedly teaches the moisture content of a capsule shell.

As detailed above, Venkateswara fails to teach or disclose a ratio of enteric (acid-insoluble) polymer to film-forming polymer. None of the secondary references, Okajima, Hirai and Matthews, are cited for any teaching or suggestion that cure the deficiencies of Venkateswara. Furthermore, Hirai teaches away from the alkaline pH of the claimed composition. Accordingly, the cited teachings of the secondary references fail to cure the deficiencies of Venkateswara.

Consequently, neither Venkateswara, Okajima, Hirai, nor Matthews, either independently or when combined, teach or suggest an enteric soft capsule shell formed from a gel mass composition comprising a film-forming, water-soluble polymer, an acid-insoluble polymer, and an alkaline aqueous solvent, wherein the ratio of acid-insoluble polymer to film-forming, water soluble polymer is from about 30:70 to about 45:55 by weight, the final pH of the gel mass is less than or equal to about 9 pH units, and the moisture content of the enteric soft capsule shell formed from the gel mass composition is from about 2% to about 10%.

Claims 24–25, 27–33, and 35–40 are dependant on claim 20. Thus, claims 24–25, 27–33, and 35–40 are also nonobvious for the reasons that claim 20 is not obvious over the cited references. If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *See In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988) and MPEP § 2143.03.

Accordingly, for at least the reasons that the primary reference, Venkateswara, fails to teach or suggest the claimed composition and none of the secondary references, Okajima, Hirai, and Matthews, cure the deficiencies of the primary reference, the rejection under 35 U.S.C. § 103(a) is in error and must be withdrawn.

***C. Rejection under 35 U.S.C. § 103(a) over Venkateswara et al., in view of Okajima, in view of Hirai et al., and further in view of Shank***

Claim 26 was rejected under 35 U.S.C. § 103(a) as allegedly unpatenable over Venkateswara, in view of Okajima, in view of Hirai, and further in view of Shank (U.S. Patent No. 4,500,453; “Shank”). Applicants respectfully traverse the rejection based on the following remarks.

Venkateswara allegedly discloses an enteric soft capsule shell formed from a gel mass composition comprising a film-forming, water-soluble polymer, an acid-insoluble polymer, and an alkaline aqueous solvent. Okajima allegedly discloses a gel mass composition comprising a film-forming, water-soluble polymer, an acid-insoluble polymer, an alkaline aqueous solvent, a plasticizer (PEG), and optionally, a coloring agent. Hirai is cited for the alleged teaching relating to the pH of a gel mass. Shank allegedly teaches that gelatin is from animal bones and that hard enteric capsules are made with gelatin having about 100-250 blooms.

As described above, Venkateswara fails to teach or disclose a ratio of enteric (acid-insoluble) polymer to film-forming polymer. None of the secondary references, Okajima, Hirai and Shank, are cited for any teaching or suggestion that cure the deficiencies of Venkateswara. Furthermore, Hirai teaches away from the alkaline pH of the claimed composition. Accordingly, the cited teachings of the secondary references fail to cure the deficiencies of Venkateswara.

Furthermore, none of the cited references, Venkateswara, Okajima, Hirai, and Shank, either independently or when combined, provide any teaching or suggestion of an enteric soft capsule shell formed from a gel mass composition comprising a film-forming, water-soluble polymer, an acid-insoluble polymer, and an alkaline aqueous solvent, wherein the ratio of acid-insoluble polymer to film-forming, water soluble polymer is from about 30:70 to about 45:55 by weight, and wherein the final pH of the gel mass is less than or equal to about 9 pH units, and the moisture content of the enteric soft capsule shell formed from the gel mass composition is from about 2% to about 10%.

Claim 26 is dependant from claim 20. Thus, claim 26 is nonobvious for the reasons that claim 20 is not obvious over the cited references. If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *See In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988) and MPEP § 2143.03.

Accordingly, for at least the reasons that the primary reference, Venkateswara, fails to teach or suggest the claimed composition and none of the secondary references, Okajima, Hirai, and Shank, cure the deficiencies of the primary reference, the rejection under 35 U.S.C. § 103(a) is in error and must be withdrawn.

***D. Rejection under 35 U.S.C. § 103(a) over Venkateswara et al., in view of Okajima, in view of Hirai et al., and further in view of Itoh***

Claim 34 was rejected under 35 U.S.C. § 103(a) as allegedly unpatenable over Venkateswara, in view of Okajima, in view of Hirai, and further in view of Itoh (U.S. Patent No. 5,194,464; "Itoh"). Applicants respectfully traverse the rejection based on the following remarks.

Venkateswara allegedly discloses an enteric soft capsule shell formed from a gel mass composition comprising a film-forming, water-soluble polymer, an acid-insoluble polymer, and an alkaline aqueous solvent. Okajima allegedly discloses a gel mass composition comprising a film-forming, water-soluble polymer, an acid-insoluble polymer, an alkaline aqueous solvent, a plasticizer (PEG), and optionally, a coloring agent. Hirai is cited for the alleged teaching relating to the pH of a gel mass. Itoh allegedly teaches using a mixture of ethanol and water as a solvent to dissolve hydroxypropyl methylcellulose phthalate.

As detailed above, Venkateswara fails to teach or disclose a ratio of enteric (acid-insoluble) polymer to film-forming polymer. None of the secondary references, Okajima, Hirai and Itoh, are cited for any teaching or suggestion that cure the deficiencies of Venkateswara. In addition, Hirai teaches away from the alkaline pH of the claimed composition. Accordingly, the cited teachings of the secondary references fail to cure the deficiencies of the Venkateswara reference.

Consequently, neither Venkateswara, Okajima, Hirai, nor Itoh, independently or when combined, teach or suggest an enteric soft capsule shell formed from a gel mass composition comprising a film-forming, water-soluble polymer, an acid-insoluble polymer, and an alkaline aqueous solvent, wherein the ratio of acid-insoluble polymer to film-forming, water soluble polymer is from about 30:70 to about 45:55 by weight, and wherein the final pH of the gel mass is less than or equal to about 9 pH units, and the moisture content of the enteric soft capsule shell formed from the gel mass composition is from about 2% to about 10%.

Claim 34 depends from claim 20. Thus, claim 34 is nonobvious for the reasons that claim 20 is not obvious over the cited references. If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *See In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988) and MPEP § 2143.03.

Accordingly, for at least the reasons that the primary reference, Venkateswara, fails to teach or suggest the claimed composition and none of the secondary references, Okajima, Hirai, and Itoh, cure the deficiencies of the primary reference, the rejection under 35 U.S.C. § 103(a) is in error and must be withdrawn.

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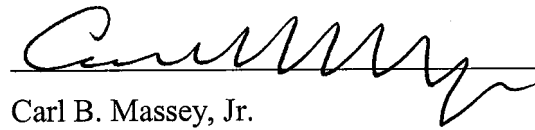
**CONCLUSION**

All asserted bases for the rejection are properly traversed. Accordingly, the claims are in condition for immediate allowance and early notice to that effect is earnestly solicited.

Should the Examiner have any questions regarding this Reply, they are invited to contact Applicants' undersigned representative using the information provided.

Respectfully submitted,

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